

June 24, 2003

Sally Wisely
State Director
Utah Bureau of Land Management
P.O. Box 45155
Salt Lake City, Utah 84145-0155

RE: Application for Suspension of Operations and Production on the Trail Mountain Logical Mining Unit and associated Federal Coal Leases, PacifiCorp, Trail Mountain, C/015/009

Dear Director Wisely:

You have asked for input from the Division of Oil, Gas and Mining regarding an application for suspension of the Trail Mountain LMU from Pacificorp. I will respond to the five questions that have been asked of OGM.

1. In regard to "Issues related to the Cottonwood Canyon Coal Tract (CCT) EIS", it has recently been brought into question as to why there is an EIS being prepared at this stage. There is no federal action that taking place, since BLM is no longer leasing the coal. There will be a federal consultation action taking place when permitting occurs, due to federal lands overlying the coal lease area, or if new surface facilities are proposed on federal land. At that time, OSM would likely be a participant in the NEPA process. In any case, the action to prepare a draft EIS appears premature.
2. SMCRA has no time requirements on reclamation. When the mine is taken out of suspension, then the owners will have to reclaim or mine further. Or, if the bond for reclamation falls out of compliance, then the company has to immediately replace the bond or reclaim. As long as none of those events occurs and the mine continues to meet the permit and performance standards, suspension can last as long as the company wishes to tend a reclamation bond for the site.

3. If the access to CCT were from a different location, either on federal or private lands, the permittee would have to permit that access site. The prospective permittee would submit either a whole new mine application or a major extension (significant revision) to the original approved mine plan. An example of a similar action would be the addition of the Rilda Portal area to the Deer Creek Mine, or the Wild Horse Ridge Addition to the Bear Canyon Mine.
4. "Impacts due to deferral of rents and royalties to the state of Utah or interested parties", is not an issue which is in our purview and I believe Mr. Braxton has adequately addressed this in his letter of 4-10-03.
5. Other issues that BLM should take into consideration.
 - This division inspects the site at a minimum rate of 4 times per year and will continue to do so until either the site goes active again, or reclamation begins. Then, the site will receive active inspections of a minimum of once a month partial inspections and once-a-quarter full inspections. The site is checked for on and offsite (of the disturbed area) impacts to the environment. The Division believes the site to be safe to the public, and environmentally stable at this time.
 - From the perspective of some participation over the last 3-4 years in meetings with SITLA, BLM, and BOR regarding the CCT, perhaps time will bring a cure or solution to the commitment to look at science as the guide in mining close to the dam, or perhaps funds and priorities will shift and monies will become available to re-build or fix the dam during the time of LMU suspension.

Thank you for the opportunity to comment. If we may answer other questions in this regard, please contact me: maryannwright@utah.gov or 801-538-5306.

Sincerely,

Mary Ann Wright
Associate Director, Mining

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